

**IN THE UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)**

UNITED STATES OF AMERICA,)	
And THE STATE OF MISSISSIPPI,)	
)	
Plaintiffs,)	
)	Case No. 3:12-cv-790-HTW-
v.)	LGI
)	(Clean Water Act Case)
THE CITY OF JACKSON, MISSISSIPPI)	
)	
Defendant.)	
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 3:22-cv-00686-HTW-
)	LGI
v.)	(Safe Drinking Water Act Case)
)	
THE CITY OF JACKSON, MISSISSIPPI,)	
)	
Defendant.)	
)	

**PROPOSED INTERVENORS-PLAINTIFFS MISSISSIPPI POOR PEOPLE'S
CAMPAIGN AND THE PEOPLE'S ADVOCACY INSTITUTE'S
UNOPPOSED MOTION FOR LEAVE TO INTERVENE IN
SAFE WATER DRINKING ACT CASE**

Pursuant to Rule 7 of the Local Rules of the U.S. District Court for the Southern District of Mississippi, and Federal Rule of Civil Procedure 24(a) and 24(b), Proposed Intervenors-Plaintiffs the Mississippi Poor People's Campaign ("MS-PPC") and the People's Advocacy Institute ("PAI") (hereinafter collectively, the "Jackson Community Groups" or "Groups") hereby move for leave to intervene in the above-captioned Safe Drinking Water Act case.¹

¹ Although this case is stayed, the Groups request that this Court exercise its discretion to lift the stay to consider their Unopposed Motion for Leave to Intervene, particularly considering the urgency of health

The Jackson Community Groups request to intervene by right under Federal Rule of Civil Procedure 24(a)(1) and (2), and alternatively, to intervene permissively under Federal Rule of Civil Procedure 24(b)(1)(B), and to plead their claims and relief as Intervenors-Plaintiffs in their proposed Complaint-in-Intervention under the Safe Drinking Water Act, attached here as Exhibit A.

Informed by their informal as well as formal written and oral advocacy before the U.S. Environmental Protection Agency; the City of Jackson, Mississippi; and this Court in connection with the Jackson water crisis; their ongoing provision of alternative water sources and water safety supplies to the local community; and their expertise in community engagement and organizing, *see* Declaration of Danyelle Holmes, attached here as Exhibit B; Declaration of Brooke Floyd, attached here as Exhibit C, the Groups seek to represent and redress in this Safe Drinking Water Act case their and their Jackson, Mississippi constituents' health and economic interests.

The Groups' Motion is unopposed by Plaintiff the United States and Defendant the City of Jackson, Mississippi. *See* Ltr. from Karl Fingerhood, Sr. Couns., Env't. Enf't Section, Env't. & Nat. Res. Div., U.S. DOJ, to Emily Early, Lori Sherman, & Joshua Tom, Att'ys for Proposed Intervenors-Plaintiffs (Sept. 21, 2023), attached here as Exhibit D-1; E-mail from Catoria Martin, Att'y for City of Jackson, to Emily Early, Att'y for Proposed Intervenors-Plaintiffs (Sept. 19, 2023 12:16AM EST), attached here as Exhibit D-2.

For reasons detailed in their accompanying Memorandum of Law, the Groups meet the

issues. *See United States v. New-Indy Catawba, LLC*, No. 0:21-CV-02053-SAL, 2022 WL 18357257, at *1 &n.1 (D.S.C. Sept. 15, 2022) (lifting stay to consider motion to intervene); *Prime Source Bldg. Prod., Inc. v. United States*, 494 F. Supp. 3d 1307, 1313 (Ct. Int'l Trade 2021) (lifting stays in pending actions "solely for purpose of court's ruling on [intervention] motions"); *cf. Briscoe v. City Of New Haven*, No. 3:09-CV-1642(CSH), 2010 WL 166752, at *4 (D. Conn. Jan. 12, 2010) (declining to reconsider denial of renewed motion to stay where granting stay would "effectively deny[,] the motion to intervene" and thus, intervenor's opportunity to file brief expressing position on pending motion to dismiss—"presumably one of the purposes for which [intervenor] . . . sought to intervene").

requirements of Federal Rule of Civil Procedure 24(a)(1) and (2) to intervene as by right and of Federal Rule of Civil Procedure 24(b)(1)(B) to intervene permissively. Thus, the Groups' Motion for Leave to Intervene should be granted.

Respectfully submitted, this 25th day of September 2023

/s/ Joshua Tom
Joshua Tom (MS Bar No. 105392)
American Civil Liberties Union of Mississippi
101 South Congress St.
Jackson, MS 39201
601.354.3408 ext. 112
jtom@aclu-ms.org

Emily Early (GA Bar No. 810206)*
Jessica Vosburgh (Ala. Bar No. 1710-A00Y)*
Mikaila Hernández (NY Bar No. 6048334)*
The Center for Constitutional Rights
666 Broadway Avenue, Floor 7
New York, New York 10012
(212) 614-6464
early@ccrjustice.org
jvosburgh@ccrjustice.org
mhernandez@ccrjustice.org

Lori Sherman, IN Bar No. 31102-53*
Kathleen Roblez, NC Bar No. 57039*
Ashley Mitchell, NC Bar No. 56889*
Caitlin Swain, NC Bar No. 57042*
Forward Justice
P.O. Box 1932
Durham, NC 27721
(919) 323-3889
lsherman@forwardjustice.org
kroblez@forwardjustice.org
amitchell@forwardjustice.org
cswain@forwardjustice.org

*PHV applications forthcoming

Counsel for Proposed Intervenors-Plaintiffs

*Mississippi Poor People's Campaign and People's
Advocacy Institute*